

**CIVIL SERVICE COMMISSION MINUTES
JULY 2, 2008**

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 of the County Administration Center, 1600 Pacific Highway, San Diego, California.

Present were:

W. Dale Bailey
A.Y. Casillas
Barry I. Newman
Francesca Krauel

Absent was:

None

Comprising a quorum of the Commission

Support Staff Present:

Patt Zamary, Executive Officer
Karen F. Landers, Senior Deputy County Counsel

Selinda Hurtado-Miller, Reporting

**Approved
Civil Service Commission
August 6, 2008**

1:30 p.m. CLOSED SESSION: Discussion of Personnel Matters
and Pending Litigation

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway, San
Diego, California

COMMENTS: Motion by Newman to approve all items not held for discussion; seconded by Casillas. Carried.

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Executive Officer

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DISCIPLINE

Findings

2. Commissioner Casillas: Kim Martinic, Worksite Organizer, SEIU Local 221, on behalf of **Karen McCracken**, former Animal Control Officer, appealing an Order of Termination and Charges from the Department of Animal Services.

FINDINGS AND RECOMMENDATIONS:

Employee has been an Animal Control Officer ("ACO") for the County for nearly eighteen years. At the time at issue, she was assigned to the Department of Animal Services' North County Division. It was undisputed that her Patrol Log contained numerous inaccuracies, especially related to the time of her work activities. The Department also charged that she used her county vehicle without authorization. However, the Department made clear at the Commission hearing that the primary basis for terminating Employee was its determination that Employee's Patrol Log inaccuracies were an intentional effort to make it appear she was performing her duties when she was not. Employee maintained that the inaccuracies were not the result of dishonesty, and that the Department's log entry policies were unclear. Additionally, Employee alleged the disciplinary investigation and Order was the result of retaliation for her protected Union activity. Although the Department did not prove that she entirely fabricated certain work activities, as it had charged, Employee's consistent and grossly inaccurate time entries for her activities, when compared to what she was actually doing at that time, did reveal a pattern proving that she was intentionally manipulating the time entries to make it appear she was productive when she was either engaged in leisure or other personal activities. The Department established that the termination was not motivated by retaliation. Accordingly, it is hereby recommended that the Order of Termination be affirmed; that the Commission read and approve the Findings and Recommendations; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

**Motion by Casillas to approve Findings and
Recommendations; seconded by Newman. Carried.**

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DISCRIMINATION

Complaints

3. **Bryon Yates**, Park Ranger, alleging race discrimination and sexual harassment by the Department of Parks and Recreation.

RECOMMENDATION: Assign Commissioner Krauel as Investigating Officer and concurrently appoint the Office of Internal Affairs to conduct an investigation and report back.

Staff recommendation approved.

Findings

4. Commissioner Bailey: **Carrie Thomas**, former Animal Service Representative, alleging disability discrimination by the Department of Animal Services.

Prior to the reading of the Findings and Recommendations, Ms. Thomas requested to speak. Ms. Thomas explained to the Commission that she was receiving assistance regarding attention deficit behavior, as well as attending a class for another issue. Ms. Thomas feels that she has met all requirements to allege disability discrimination.

FINDINGS AND RECOMMENDATIONS:

At the regular meeting of the Civil Service Commission (Commission) on January 16, 2008, the Commission appointed W. Dale Bailey to investigate the complaint submitted by Carrie Thomas, which alleged disability discrimination by the Department of Animal Services. In accordance with the established rules and procedures of the Commission, the matter was concurrently referred to the Office of Internal Affairs (OIA) for investigation. The OIA concluded the investigation and has reported its findings to the Commission. The Investigating Officer has taken into consideration all documentation submitted in this matter. The report of OIA has been received and reviewed by the undersigned Investigating Officer who concurs with OIA's Report and has concluded that the evidence does not support a finding of probable cause that a violation of discrimination laws occurred. It is therefore recommended that Ms. Thomas' Rule VI discrimination complaint be denied; that the Commission approve and file this report with the appended OIA Summary Investigative Report with a finding of no probable cause to believe that the Complainant has been unlawfully discriminated against; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

**Motion by Bailey to approve Findings and
Recommendations; seconded by Newman. Carried.**

SELECTION PROCESS

Findings

5. **Trenton Stroh**, appealing the Department of Human Resources' removal of his name from the employment list for Deputy Sheriff Cadet.

RECOMMENDATION: Ratify. Appellant has been successful in the appellate process provided by Civil Service Rule 4.2.2.

Item No. 5 ratified.

OTHER MATTERS

Extension of Temporary Appointments

6. Department of Planning and Land Use

1 Office Assistant (Shoshana Elias)

7. Department of Agriculture, Weights and Measures

2 Insect Detection Specialists I (Michael Duchek, Kevin Gillen)

1 Insect Detection Specialist II (Daniel Wristen)

RECOMMENDATION: Ratify Item Nos. 6 & 7.

Commissioner Newman asked the Department for clarification regarding the ratification of the Insect Detection Specialists above. Shirley Chen, Senior Department Personnel Officer for the Department of Agriculture, Weights and Measures, clarified the Department's needs at this time, as well as the time line for employment of regular hires. Commissioner Newman advised the Department that the time lines were excessive pursuant to Ms. Chen's explanation.

This item was approved on the Consent Agenda.

Item Nos. 6 and 7 ratified.

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INFORMATION

8. **Sheryl Gee, Psy.D.**, former Senior Human Resources Analyst, withdrawal of complaint alleging retaliation and racial discrimination by the Department of Human Resources.
(Commissioner Casillas)

Withdrawn.

9. Public Input.

ADJOURNED: 2:57 p.m.

NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION:

AUGUST 6, 2008

ASSISTANCE FOR THE DISABLED:

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